

Aboveground Petroleum Storage Tank Upgrade Deadline December 2000

Instead of doing a regular column this month, we have elected to use this space to provide the text of a letter that is currently in the process of being signed by our Department's Secretary. Although the signed letter may not be out for a few days, we wanted to communicate the information in the letter so that individuals that may be impacted will be aware of the position that the Department is taking on the deadline for upgrading aboveground storage tank systems.

As many of you are aware, the Department has received many inquiries both for and against an extension of the AST upgrade deadline. After considerable debate and analysis, Secretary Blanchard has approved the following position:

The Department of Commerce has reviewed the formal requests for an extension of the upgrade deadline for aboveground petroleum storage tanks systems. After lengthy consideration of the extension requests, we have elected to provide a limited extension.

As you know, Wisconsin Administrative Code Chapter 10 – Flammable and Combustible Liquids includes a requirement for the upgrade of outside aboveground storage tanks (AST's) that do not already have liquid tight containments systems. This rule requirement became effective on May 1, 1991 and set a final compliance date of May 1, 2001. As the deadline has approached, we have found that, although owners have been provided a ten-year compliance period, they have expressed concerns on the impact that the compliance date may have on tank system owners and the public.

We have received many comments both advocating and opposing an extension of the upgrade deadline. Comments expressed have included points regarding difficulty in completing construction from late November until May, impact of the deadline on heating oil supplies, cost of the upgrade requirements, the high environmental risk that the old tank systems pose, the unfairness of an extension to those that have already upgraded and the long compliance period that has already been provided.

Of the issues identified to support an extension of the upgrade deadline, the most compelling in our opinion has been the possibility of interruptions in heating oil supplies during this coming winter. We have been informed that in order to complete an upgrade by May 1, 2001, an aboveground storage tank system will have to be taken out of service in mid winter. The reduction in bulk storage for heating oil, during this winter, could have a destabilizing impact on supplies and consumer price. Consequently, the Department plans to advance an emergency rule to provide a narrow extension of the current deadline.

Under the emergency rule, owners and operators will be allowed to continue to operate existing AST systems through July 31, 2001, if they have submitted to the Department, by February 1, 2001, approvable plans for their tank system upgrade(s). Owners and

operators that do not have approvable plans submitted to the department by February 1st must take their tanks out of service by May 1, 2001.

For the purpose of obtaining an extension of the current deadline, plans covering the tank systems that are the subject of the extension must be received by the department no later than Thursday, February 1st. In addition, the plans must meet certain minimum quality standards. These standards include the submission of required fees, correct submittal forms, drawings to scale descriptive of the completed project, and the specifications that would be expected to be submitted as part of any formal plan review. Additionally, if a plan is submitted for an installation that is a consolidation of multiple bulk plant sites, all the bulk plant locations associated with the consolidation must be identified in a cover letter submitted with the plan.

If an AST system is not covered by an upgrade plan submittal, the tank system will not be allowed to operate beyond May 1, 2001. Tank systems not in compliance by the May 1st deadline or covered by a plan review must be out of service by the compliance date. An "operating period" to empty the tank system will not be allowed and the tank system must be immediately emptied and closed.